

106th TN General Assembly

First Regular Session



Thursday, March 5, 2009

Senate – 11th Legislative Day House – 12th Legislative Day

SENATE

BILLS / RESOLUTIONS

SJR 0128 by *Henry

Memorials, Death - William Dortch Oldham -

SB 2348 by *Burks (HB 2381 by *Winningham)

Gainesboro - As introduced, subject to local approval, revises charter of town of Gainesboro to specify duties of Town Recorder. - Amends Chapter 26 of the Acts of 1905; as amended.

THIRD CONSIDERATION

Consent Calendar:

HJR's 131, 134 – CONCURRED 32-0.

HJR's 135, 136, 137 – RE-SET to 3/9/09.

HJR's 140, 141, 142, 143 – CONCURRED 32-0.

SJR's 108, 109, 110, 111 – ADOPTED 32-0.

SJR 111 – RE-REF to S&L.

SJR 115 – ADOPTED 32-0.

SR 27 – ADOPTED 32-0.

Consent Calendar #2:

SB 1151 – PASSED 31-0.

SJR 14 – ADOPTED 31-0.

HJR 68 – CONCURRED 31-0.

Local Bill:

SB 585 – RE-REF to Calendar.

Regular Calendar:

SB 547 – RE-SET to 3/12/09.

SB 840 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

SB 1712 – Amd. #1 ad. – PASSED AS AMENDED 30-2.

SB 201 – RE-SET to 3/12/09.

SB 284 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

OTHER ACTION

SJR 119 – s/r ADOPTED v.v.
SB's 1334, 1883, 1905 – WITHDRAWN.

COMMITTEE CALENDARS FOR TUESDAY, MARCH , 2009

COMMERCE, LABOR & AGRICULTURE – SHR #12 – 1:30 p.m. –
HJR 114, SB's 847, 1176, 1576, 1489, 993, 2061, 1767, 247, 1737, 626, 1627, 59, 41, 1544, 1545.
EDUCATION – SHR #12 – 3:30 p.m. –
SB's 421, 1164, 73, 798, 1289, 1547. Presentation from ETSU and UT SGA Presidents concerning Board of Regents tuition cap. Presentation from THEC concerning dual enrollment/laptop pilot project.
ENVIRONMENT, CONSERVATION & TOURISM – SHR #12 – 11:30 p.m. –
SB's 1559, 2083, 1793, 1808, 1809, 876, 2046, 2047, 1112, 2066, SJR 74, SB's 1738, 280, 2029.
STATE & LOCAL GOVERNMENT – SHR #12 – 8:30 a.m. –
SB's 1886, 1626, 308, 309, 1174, 53, 1221, 1288, 1564, 1673, 179, 748, 944, 2064, 2105, 600, 1511, 494, 653, 1667, 1915, 550, 551, 1999, 615, 878, 164, 874.
TRANSPORTATION – SHR #12 – 10:30 a.m. –
Consent: SB's 1268, 1803
Regular: SB 1711, SJR 104, SB 393. Presentations: Scott George, TN Commercial Warehouse and TN Express; Barbara Johnson & Greg Roche, Clean Energy.

COMMITTEE CALENDARS FOR WEDNESDAY, MARCH , 2009

GENERAL WELFARE, HEALTH & HUMAN RESOURCES – SHR #12 – 11:00 a.m. –
SB's 846, 988, 1630, 2088, 2089, 1121, 2019, 1538, 2107, 853, 2006, 443, 1588, 2129.
GOVERNMENT OPERATIONS – SHR #12 – 9:30 a.m. –
Consent: SB 1018.
Regular: SB's 434, 198, SJR 112, SB's 998, 342, 359, 1037, 1001, 378.
JUDICIARY – SHR #12 – 1:00 p.m. –
SJR 127, SB's 291, 1907, 683, 2340, 437, 801, 2018. Presentation regarding sentencing and recidivism.

SUBCOMMITTEE CALENDAR FOR WEDNESDAY, MARCH 11, 2009

TAX SUBCOMMITTEE – SHR #12 – 3:00 p.m. –
SB's 1624, 1224, 496, 509, 760, 1158, 816, 231, 1811, 574, 756, 873, 1570, 1829, 1848, 1849, 1877, 1878, 525, 533, 834, 561, 562, 448, 785, 804, 696, 79, 82, 658, 1104, 710, 1347, 610, 1195.

CALENDARS FOR , MARCH , 2009

Consent

- 1. HJR 0147 by *Eldridge**
Memorials, Recognition - United States Academic Decathlon participants -
- 2. HJR 0148 by *Mumpower**
Memorials, Professional Achievement - Pamela Murray, Woman Grocers of America Woman of the Year -
- 3. HJR 0151 by *Ferguson**
Memorials, Recognition - Paul Jarvis, Harriman Care and Rehab Hall of Fame -
- 4. HJR 0152 by *Ferguson**
Memorials, Recognition - Volena Christmas Lewis, Harriman Care and Rehab Hall of Fame -
- 5. HJR 0153 by *Ferguson**
Memorials, Recognition - Anna Cofer, Harriman Care and Rehab Hall of Fame -
- 6. HJR 0154 by *Ferguson**
Memorials, Recognition - Audie Roy Gullet, Harriman Care and Rehab Hall of Fame -

(Consent Calendar cont.)

- 7. HJR 0155 by *Ferguson**
Memorials, Recognition - Eddie Harback, Harriman Care and Rehab Hall of Fame -
- 8. HJR 0156 by *Evans**
Memorials, Death - Lieutenant Stephen Bradley Hutcherson -
- 9. HJR 0157 by *Johnson C, Pitts**
Memorials, Recognition - Grace Lutheran Church, 50th anniversary -
- 10. HJR 0159 by *Rich**
Memorials, Death - Dr. Karl B. Rhea, Sr. -
- 11. HJR 0161 by *West**
Memorials, Retirement - Martha Burton -
- 12. HJR 0162 by *Bone, Lynn, Shaw, Cobb C, Fraley, Armstrong, Barker, Bass, Bell,**
Memorials, Death - First Lieutenant William Eric Emmert, Tennessee Army National Guard -
- 13. HJR 0164 by *Evans**
Memorials, Death - Andrew Lindland -
- 14. SJR 0117 by *Tracy**
Memorials, Retirement - NC1 (AW/SW) David Stuart Huber -
- 15. SJR 0118 by *Norris**
Memorials, Professional Achievement - Mark Luttrell, 2008 Sheriff of the Year -
- 16. SR 0028 by *Yager**
Memorials, Professional Achievement - Morgan County Litter Grant Program -
- 17. SR 0029 by *Yager**
Memorials, Professional Achievement - Faye Dalton, 2009 Awards of Excellence Winner -
- 18. SR 0030 by *Yager**
Memorials, Professional Achievement - Fentress County Solid Waste, 2009 Award of Excellence

Consent #2

- 1. *SB 0293 by *Berke (HB 0694 by *Brooks K)**
Education - As introduced, requires the department of education to develop standards for parental involvement in public schools and to report on parental involvement in each school and school district on the report card for Tennessee schools beginning with the 2010-2011 school year. - Amends TCA Title 49.
- 2. *SB 0347 by *Johnson (HB 1101 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends James K. Polk memorial association, June 30, 2015. - Amends TCA Title 4, Chapter 13 and Title 4, Chapter 29.
- 3. *SB 0348 by *Johnson (HB 1032 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends local government insurance committee, June 30, 2017. - Amends TCA Title 4, Chapter 29 and Title 8, Chapter 27.
- 4. *SB 0349 by *Johnson (HB 1030 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends public records commission, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 10, Chapter 7.
- 5. *SB 0350 by *Johnson (HB 1088 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends southern growth policies board, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 13, Chapter 2.
- 6. *SB 0351 by *Johnson (HB 1004 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends state board of equalization, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3, Part 51.
- 7. *SB 0352 by *Johnson (HB 1002 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends state funding board, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 9, Chapter 9.
- 8. *SB 0353 by *Johnson (HB 1000 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends state insurance committee, June 30, 2017. - Amends TCA Title 4, Chapter 29 and Title 8, Chapter 27.
- 9. *SB 0354 by *Johnson (HB 1037 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends state trust of Tennessee, June 30, 2017. - Amends TCA Title 4, Chapter 29 and Title 9, Chapter 4, Part 8.

(Consent Calendar cont.)

- 10. *SB 0357 by *Johnson (HB 1040 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends Tennessee council for the deaf and hard of hearing, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 71, Chapter 4.
- 11. *SB 0360 by *Johnson (HB 1046 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends Tennessee-Tombigbee waterway development authority, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 69, Chapter 9.
- 12. *SB 0363 by *Johnson (HB 1098 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends child care advisory council, June 30, 2014. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1, Part 3.
- 13. *SB 0365 by *Johnson (HB 1094 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends family support council, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 33, Chapter 5, Part 2.
- 14. *SB 0367 by *Johnson (HB 1059 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends local education insurance committee, June 30, 2014. - Amends TCA Title 4, Chapter 29 and Title 8, Chapter 27.
- 15. SB 0675 by *Woodson (*HB 0539 by *Sontany)**
Animal Control - As introduced, requires that forfeited amounts from deposits paid to agencies to ensure that adopted dogs and cats are spayed or neutered be used to conduct programs to spay and neuter dogs and cats in the community where the agency is located instead of being used to conduct educational programs in support of spaying and neutering. - Amends TCA Title 44, Chapter 17, Part 5.
- 16. *SB 0837 by *McNally, Marrero B (HB 1153 by *Ferguson)**
Judicial Districts - As introduced, requires any drug testing fee that was assessed and collected in the ninth judicial district before such fee was repealed in 2007 to be designated for use by the ninth judicial district drug task force. - Amends TCA Section 39-17-420.
- 17. SB 0922 by *Stanley (*HB 0595 by *Coleman)**
Property - As introduced, clarifies that the definition section of the Tennessee Condominium Act of 2008 applies only to the extent necessary in construing any of the sections relevant to such act. - Amends TCA Title 66, Chapter 27, Part 2.
- 18. SB 0995 by *Johnson (*HB 1027 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends review committee, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 12, Chapter 4.
- 19. SB 0999 by *Johnson (*HB 0992 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends regional transportation authority, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 64, Chapter 8.
- 20. SB 1016 by *Johnson (*HB 1077 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends commission for uniform legislation, June 30, 2013. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 9.
- 21. SB 1017 by *Johnson (*HB 1074 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, cemetery advisory board, June 30, 2011. - Amends TCA Title 4, Chapter 29 and Title 46, Chapter 1.
- 22. SB 1019 by *Johnson (*HB 1070 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends board of standards, June 30, 2014. - Amends TCA Title 4, Chapter 29 and Title 12, Chapter 3.
- 23. SB 1040 by *Johnson (*HB 1087 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends Tennessee code commission, June 30, 2017. - Amends TCA Title 1, Chapter 1 and Title 4, Chapter 29.
- 24. SB 1041 by *Johnson (*HB 1044 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends utility management review board, June 30, 2015. - Amends TCA Title 4, Chapter 29 and Title 7, Chapter 82.
- 25. SB 1043 by *Johnson (*HB 1048 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends Tennessee sports hall of fame, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

(Consent Calendar cont.)

- 26. SB 1051 by *Johnson (*HB 1033 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends state textbook commission, June 30, 2014. - Amends TCA Title 4, Chapter 29 and Title 49, Chapter 6.
- 27. SB 1056 by *Johnson (*HB 1022 by *Lynn, Kernell, Cobb J)**
Sunset Laws - As introduced, extends selection panel for TennCare reviewers, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 56, Chapter 32.
- 28. *SB 1214 by *Black (HB 1877 by *Richardson)**
Hospitals and Health Care Facilities - As introduced, clarifies that existing residents as well as new admissions qualify for hospice care in an assisted-care living facility; clarifies that hospice services are pursuant to a patient care plan. - Amends TCA Title 68.
- 29. SB 1501 by *McNally (*HB 1109 by *Shepard)**
Pharmacy, Pharmacists - As introduced, grants the director of the board of pharmacy the power to administer oaths and issue subpoenas. - Amends TCA Title 63, Chapter 10.
- 30. *SB 1548 by *Burchett, Johnson (HB 1512 by *Tindell, Niceley, McDaniel, Faulkner, Todd, Ferguson)**
Pest Control - As introduced, provides terms for the engagement of services for certain termite inspection and prevention plans. - Amends TCA Title 62, Chapter 21, Part 1.

Regular

- 1. *SJR 0125 by *Kyle, Finney L**
General Assembly, Confirmation of Appointment - Charles H. Farmer, Tennessee Ethics Commission -
- 2. *SJR 0126 by *Kyle, Woodson**
General Assembly, Confirmation of Appointment - John K. King, Tennessee Ethics Commission -
- 3. SB 0217 by *Stanley (*HB 0230 by *Todd)**
Education - As introduced, allows local boards of education to delegate authority regarding assignment of individual students for decision-making on such matters. - Amends TCA Title 49.
- 4. *SB 0521 by *McNally (HB 1771 by *Dunn)**
Eminent Domain - As introduced, requires county and municipal legislative bodies to approve the exercise of eminent domain by two-thirds vote prior to any property being condemned and taken by such bodies. - Amends TCA Title 29.
- 5. *SB 0522 by *McNally (HB 1772 by *Dunn)**
Eminent Domain - As introduced, grants property owner whose land is taken by eminent domain the right to repurchase such property if the condemning entity does not use the property for the purpose for which it was condemned or if the entity sells the property within 10 years of condemnation. - Amends TCA Title 29.
- 6. *SB 0523 by *McNally (HB 1832 by *Turner M, Todd, Jones U, Moore, Watson, Brooks H, Dean, Rich)**
Evidence - As introduced, creates privileged communication between critical incident stress management team members participating in crisis intervention. - Amends TCA Title 24, Chapter 1, Part 2.
- 7. SB 0548 by *Norris (*HB 0416 by *Lundberg)**
Attorneys at Law - As introduced, clarifies that certain government employees are not prohibited from providing pro bono legal services. - Amends TCA Title 8; Title 16 and Title 23.
- 8. *SR 0015 by *Beavers**
General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of appellate procedure, promulgated by the supreme court of Tennessee. -
- 9. *SR 0016 by *Beavers**
General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of civil procedure, promulgated by the supreme court of Tennessee. -
- 10. *SR 0017 by *Beavers**
General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of criminal procedure, promulgated by the supreme court of Tennessee. -
- 11. *SR 0018 by *Beavers**
General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of juvenile procedure, promulgated by the supreme court of Tennessee. -

(Regular Calendar cont.)

12. *SR 0019 by *Beavers

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of civil procedure concerning the discovery of electronically stored information, promulgated by the supreme court of Tennessee. -

13. *SR 0020 by *Beavers

General Assembly, Review Or Ratification of Rules - Approves amendments and revisions to the rules of evidence, promulgated by the supreme court of Tennessee. -

SENATE CONVENES AT 5:00 P.M., MONDAY, MARCH 9, 2009

H O U S E

BILLS / RESOLUTIONS

HB 2378 was introduced and passed on first consideration.

HJR 0184 by *Cobb J

Memorials, Recognition - "Sweet-N-Sassy" Chapter of the Red Hat Society -

HB 2379 by *Hawk (*SB 1936 by *Southerland)

Education, Curriculum - As introduced, requires use of Comprehensive Health Education Curriculum by LEAs. - Amends TCA Title 49.

HB 2380 by *McDonald, Maggart (SB 2347 by *Black)

Gallatin - As introduced, subject to local approval, revises charter of city of Gallatin. - Amends Chapter 67 of the Private Acts of 1953; as amended.

HB 2381 by *Winningham (SB 2348 by *Burks)

Gainesboro - As introduced, subject to local approval, revises charter of town of Gainesboro to specify duties of Town Recorder. - Amends Chapter 26 of the Acts of 1905; as amended.

THIRD CONSIDERATION

Consent Calendar:

HR 31 – ADOPTED 97-0-1.

HJR's 163, 165, 167, 171 – ADOPTED 97-0-1.

HJR 172 – RE-SET to 3/9/09.

HJR's 173, 175, 176, 178, 181, 182, 183 – ADOPTED 97-0-1.

Regular Calendar:

HJR 160 – HELD on desk.

COMMITTEE CALENDARS FOR TUESDAY, MARCH 10, 2009

AGRICULTURE – HHR #29 – 9:15 a.m. –

HB 537. Presentation by Department of Agriculture.

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

HB's 67, 416, 411, 254, HR's 14, 15, 16, 17, 19, HJR 59, HB's 990, 1071, 1038, 1040, 1048, 1087, 1021, 1070.

COMMERCE – HHR #16 – 9:15 a.m. –

HB's 595, 971, 1438.

CONSERVATION & ENVIRONMENT – HHR #29 – 10:30 a.m. –

NO BILLS ON NOTICE – committee will meet.

FINANCE, WAYS & MEANS – HHR #16 – 1:30 p.m. –

NO BILLS ON NOTICE – committee will meet. Presentation by Deputy Governor John Morgan.

HEALTH & HUMAN RESOURCES – HHR #16 – 10:30 a.m. –

HB's 93, 340, 1109.

STATE & LOCAL GOVERNMENT – HHR #16 – 12:00 noon –

HB's 278, 580, 274, 402, 443, 533, 563, 643, 1168, 1211, 1391, 1477.

TRANSPORTATION – HHR #16 – 3:00 p.m. –

HB's 1, 294, 343, 440, 470, 75, 1463, 1272.

COMMITTEE CALENDARS FOR WEDNESDAY, MARCH 11, 2009

CHILDREN & FAMILY AFFAIRS – HHR #16 – 8:30 a.m. –

HB's 804, 805, 66.

EDUCATION – HHR #16 – 11:00 a.m. –

HJR's 60, 51, 33, 115, HB 248, 1107, 921, 849.

GOVERNMENT OPERATIONS – HHR #29 – 10:00 a.m. –

HB's 581, 1008, 1009, 1024, 1033, 1041, 1049, 1074, 1088, 1095, 1101, 1273, 1084.

JUDICIARY – HHR #31 – 8:30 a.m. –

HB's 1665, 962, 960, 620, 48, 82, 351, 815, HJR 32, HB's 703, 959, 582, 218, 392, 390, 63, 62, 70, HR 18, HB 1452.

SUBCOMMITTEE CALENDARS FOR TUESDAY, MARCH 10, 2009

CIVIL PRACTICE & PROCEDURE – HHR #31 – 12:00 noon –

HB's 676, 680, 682, 1384, 1379, 1576, 645, 1855, HJR 4, HB's 1451, 69, 12.

FAMILY JUSTICE – HHR #30 – 9:15 a.m. –

HB 677.

HIGHER EDUCATION – HHR #29 – 8:30 a.m. –

HB's 678, 401. Presentations from David Wright, THEC and TN Lottery.

PROFESSIONAL OCCUPATIONS – HHR #31 – 8:30 a.m. –

HB's 319, 394, 462, 1495.

PUBLIC HEALTH & FAMILY ASSISTANCE – HHR #30 – 4:00 p.m. –

HB's 547, 1828.

PUBLIC SAFETY – HHR #16 – Immediately following Transportation –

HB's 366, 576, 1511, 1624, 18, 1116, 107, 985, 1187, 685, 886, 384, 2006.

RURAL ROADS – HHR #31 – 1:30 p.m. –

HB's 1494, 16, 453, 372, 1929, HJR 78, HB's 336, 415, 1581, 487, 488, 491, 602, 1934, 562, 2375.

SMALL BUSINESS – HHR #30 – 1:30 p.m. –

HB 1375.

UTILITIES & BANKING – HHR #30 -10:30 a.m. –

HB's 1698, 738.

WILDLIFE – HHR #30 – 2:15 p.m. –

HB's 569, 958.

SUBCOMMITTEE CALENDARS FOR WEDNESDAY, MARCH 11, 2009

BUDGET – HHR #29 – 11:00 a.m. –

HB's 85, 111, 1290, 509, 213, 216, 298.

CRIMINAL PRACTICE & PROCEDURE – HHR #31 – 12:00 noon –

HB's 314, 517, 520, 1663, 250, 814, 798, 823, 748, 1675, 525, 526, 1120, 483, 54, 584, 1395, 621, 626, 1820, 623, 268, 1209, 263, 284, 264, 266.

HEALTH CARE FACILITIES – HHR #30 – 12:30 p.m. –

HB's 684, 702, 1737, 1877.

INDUSTRIAL IMPACT – HHR #30 – 10:00 a.m. –

HB's 475, 1553, 978.

K-12 – HHR #16 – 10:00 a.m. –

HB's 92, 393, 967, 975, 1208, 1388, 1493, 1530, 557, 561, 812, 821, 836, 1441, 868, 947, 1213, 1364, 1371, 1647, 1866, 285, 376.

LOCAL GOVERNMENT – HHR #29 – 1:30 p.m. –

HB's 273, 347, 225, 1549, 956, 2043, 1160, 1609, 1357, 108, 291, 309, 304, 310, 1177, 306, 307.

PARKS & TOURISM – HHR #16 – 12:30 p.m. –

HB's 1308, 2111.

STATE GOVERNMENT – HHR #29 – 8:30 a.m. –

HB's 38, 129, 204, 813, 23, 1653, 305, HR 30, HB 1850, HJR 5, HB 395.

HOUSE CONVENES AT 5:00 P.M., MONDAY, MARCH 9, 2009